

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA NEW BUILDS, LLC,

Plaintiff,

vs.

GREEN TREE SERVICING, LLC, *et al.*,

Defendants.

Case No. 2:15-cv-00791-JCM-CWH

ORDER

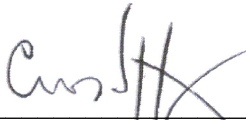
This matter is before the Court on Defendants' unilaterally submitted proposed discovery plan and scheduling order (#11), filed June 15, 2015. Defense counsel indicate that several attempts were made to confer with Plaintiff's counsel pursuant to Fed. R. Civ. P. 26(f), but Plaintiff's counsel has not responded. Local Rule 26-1(d) requires plaintiff's counsel to initiate the Rule 26(f) scheduling conference "within thirty (30) days after the first defendant answers or otherwise appears." It further requires the parties to submit a stipulated discovery plan and scheduling order within fourteen (14) days after the Rule 26(f) conference. The failure to participate in "developing and submitting" a discovery plan is sanctionable conduct. *See* Fed. R. Civ. P. 37(f). That there is a pending motion to remand does not operate as a stay of the requirement to participate in a scheduling conference. Neither the Federal Rules nor Local Rules provide for automatic blanket stays of discovery when a potentially dispositive motion is pending. *E.g. Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600-01 (D. Nev. 2011) (citation omitted). Accordingly,

IT IS HEREBY ORDERED that Proposed Discovery Plan and Scheduling Order (#11) is **denied**.

1 **IT IS FURTHER** that, pursuant to Local Rule 26-1(d), Plaintiff shall initiate the
2 scheduling and conducting of the Rule 26(f) meeting by **Friday, June 26, 2015**. The parties shall
3 submit a discovery plan and scheduling order by **Monday, July 6, 2015**.

4 **IT IS FURTHER ORDERED** that failure of either party to participate in developing and
5 submitting a discovery plan may result in sanctions pursuant to Rule 37(f).

6 DATED: June 18, 2015.

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9 C.W. Hoffman, Jr.
United States Magistrate Judge